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TO RUEHC/SECSTATE WASHDC IMMEDIATE 9118  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING 5081  
RUEHBY/AMEMBASSY CANBERRA 2560  
RUEHLM/AMEMBASSY COLOMBO 1029  
RUEHKA/AMEMBASSY DHAKA 0981  
RUEHNE/AMEMBASSY NEW DELHI 1878  
RUEHPB/AMEMBASSY PORT MORESBY 3818  
RUEHKO/AMEMBASSY TOKYO 2023  
RUEHWL/AMEMBASSY WELLINGTON 2685  
RUEHHK/AMCONSUL HONG KONG 2697  
RUEHBAD/AMCONSUL PERTH 0830  
RHHJJPI/USPACOM HONOLULU HI  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHINGTON DC  
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001041

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/RSP, DRL, DRL/AWH  
NSC FOR EPHU

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TAGS: [PGOV](#) [KJUS](#) [PHUM](#) [ID](#)  
SUBJECT: SOLDIERING ON -- HUMAN RIGHTS COMMISSION CONTINUES  
WORK WITH MILITARY

REF: A. JAKARTA 702  
[1](#)B. JAKARTA 619  
[1](#)C. JAKARTA 207 AND PREVIOUS

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Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b+d).

[1](#)1. (C) SUMMARY: Relations between Indonesia's Human Rights Commission (Komnas HAM) and the military are improving slowly. There has also been some recent progress on military accountability. In related news, the Indonesian legislature (DPR) announced that it is set to review a bill that would make members of the armed forces subject to the civilian judicial system for non-military-related crimes. Over all, while the trends are positive, there are still hurdles to overcome. END SUMMARY.

#### IMPROVEMENT IN TIES

[1](#)2. (C) Indonesia's Human Rights Commission continues to work to improve ties with the military. In a May 16 meeting with Poloff, Komnas HAM commissioner Kabul Supriyadi commented that cooperation with the military (TNI) is progressing slowly. Key areas of recent cooperation include:

-- The East Java military court hearings for thirteen marines accused of killing civilians during a 2007 land dispute in Alastlogo, Pasuruan, are open to the public as a result of Komnas HAM pressure;

-- Komnas Ham Commissioners have provided instruction to TNI personnel on human rights and Indonesian human rights law on multiple occasions;

-- Komnas HAM has submitted concrete proposals to the Ministry of Defense regarding security reform, including "a use of arms" policy that is currently under consideration. They have also urged support for a bill that would subject military members to jurisdiction of civilian courts for non-military-related crimes (see more below), and a proposal for conclusion of a Memorandum of Understanding to work

together on human rights cases and human rights education (ref. B); and,

-- One retired general and a handful of retired police officers cooperated with Komnas HAM's investigation into the 1989 Talangsari massacre. (Note: In the Talangsari incident, a TNI battalion under then Col. Hendropriyono allegedly killed over 250 villagers -- see ref C. Hendropriyono refused to come in for questioning on the incident. Komnas HAM plans to submit the Talangsari case file to the AGO in June without Hendropriyono's testimony.)

#### THERE ARE STILL PROBLEMS

13. (C) Despite some successes, Komnas HAM's efforts at increasing cooperation with the TNI have met mixed results, Supriyadi said. Minister of Defense Sudarsono's March 25 comments urging retired generals to ignore non-legally binding summonses from the human rights commission (ref B) have cast a bit of a pall on the situation, he added. In addition, several retired generals have recently refused summonses from Komnas HAM regarding the Commission's investigations into past human rights abuses.

14. (C) There are also problems in working with the Attorney General's Office. Weak cooperation with the AGO presents challenges to resolving past human rights cases, according to contacts. For the past several years, the AGO has continued to refuse to process human rights case dossiers for "technical reasons." The AGO has not begun investigation of four key cases, including the Trisakti and Semanggi shootings, forced disappearances in 1997-1998, May 1998 riots, and raids in 2001 and 2003 in Wamena and Wasior,

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Papua. The AGO's basic non-responsiveness represented a lack of political will in the AGO to deal with human rights cases, according to Supriyadi. He said gaining cooperation from the AGO was critical. Komnas HAM is trying to initiate dialogue with the AGO about handling human rights cases, but calls requesting meetings have gone unreturned, he said. This, despite President Yudhoyono's call for all government institutions to cooperate in resolving past human rights cases (ref. B).

#### SOME SMALL STEPS TOWARD ACCOUNTABILITY

15. (SBU) There has been some positive movement for human rights on the military justice front. On May 16, a military tribunal in Medan sentenced an officer to four years in prison and dismissed him from military service for ordering the murder of a civilian in 2007. Human rights groups claimed this as a victory. Lt. Col. Untung said he will appeal the decision. Also, military hearings for 13 marines charged with killing civilians in Alastlogo, Pasuruan, have been entirely open to the public--a rarity for military courts. Trials have gone smoothly so far, but contacts said they expect the courtroom to heat up when the prosecution presents its case in coming weeks.

16. (SBU) In another step forward for accountability, the Indonesian legislature (DPR) has announced it is set to review an amended military tribunal law that would move crimes committed by TNI personnel in a non-military-related context to the jurisdiction of civilian courts. The bill could be passed by July, according to press reports. This bill has been under discussion for over three years. Rights advocates and military reformers see it as one key to ensuring greater transparency and increasing civilian control over the military.

#### COMMISSION SOLDIERS ON

17. (C) There has been clear--if measured--progress in cooperation between Komnas HAM and the military. Meanwhile, as reviewed above, recent military justice developments

signal some improvement in the GOI's military accountability record. That said, more progress needs to be made. Indeed, one of the biggest challenges for Komnas HAM is simply raising the Commission's credibility among other state institutions. That seems to be slowly happening thanks, at least in part, to President Yudhoyono's public support, but the process will take time.

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